

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER:

MARIA DE LOS A. NIEVES HERNANDEZ

Debtor(s)

FIRSTBANK PUERTO RICO  
Movant

CASE NO.: 22-01310 (MCF)

CHAPTER 13

(X) An action against the State  
under Title 11 USC §1307(c) (1) and  
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **FIRSTBANK PUERTO RICO**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, and Title 11 USC §1326, on Payments.

2. Debtor filed a bankruptcy case under chapter 13 back on May 9, 2022. See, Dck 1.

3. MOVANT, standing to address this court is ascertained as it filed an unsecured claim to a personal loan for \$3,294.78. See, Clm 1.

4. As of to June 1, 2023, debtor(s) already had the following installments owed to the chapter 13 Trustee: \$600.00, for two (2) months in arrears. See, Attachment A.

5. Under the terms of the confirmed plan dated June 6, 2022, debtor(s) should have started to make continues payments since June 9, 2022, and as evidenced herein, the debtor(s) have failed to do so. See, Dck 1 and 13.

6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) See, Attachment B.

For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on ~~Unreasonable delay by debtor that is prejudicial to Creditors, (5) denial of confirmation of a plan under 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan,~~ 11 USC §1326 (a) (1) Unless

*the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, and (6) on Material default by the debtor with respect to a term of a confirmed plan, and Title 11 USC §1324 (b) ~~on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a).~~*

*The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse*

### **NOTICE**

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Puerto Rico Local Bankruptcy Rule 9013-1(h)

In San Juan, Puerto Rico, on June 3, 2023

### **CERTIFICATE OF SERVICE**

**I hereby certify** that a copy was served by CM/ECF at the authorized address: - to all creditors, - to Atty. Alejandro Oliveras // Atty. José Carrión Morales, as Chapter 13 Trustee, and - to the attorney of the debtor(s) FRANCISCO J RAMOS GONZALEZ, and to debtor(s) by regular mail at the address on record, MARIA DE LOS ANGELES NIEVES HERNANDEZ, at CANELA ST, PASEOS DE CEIBA 38, CEIBA, PUERTO RICO 00735.

BY: /s/ María M. Benabe Rivera  
María M. Benabe Rivera  
Attorney for Movant - US - DC 208906  
Maricarmen Colón Díaz - US - DC 211410  
FIRSTBANK Puerto Rico  
Centro de Servicios al Consumidor - Código 248  
1130 Muñoz Rivera Ave., Rio Piedras, P R  
PO Box 9146, San Juan, PR 00908-0146  
[maria.benabe@firstbankpr.com](mailto:maria.benabe@firstbankpr.com)  
(787)729-8135 / (787)729-8276 / [Rev.10/2019]

## **FIRSTBANK**

### *Analysis Sheet to Determine Arrears to Trustee*

<b>In Re</b>	<b>: María A. Nieves Hernández</b>
<b>Case Number</b>	<b>: 22-01310 MCF / AOR</b>
<b>Account Number</b>	<b>: 6410 (Préstamo Personal)</b>
<b>Date of File</b>	<b>: 01/17/22</b>
<b>Amount of Proof of Claim</b>	<b>: 3,294.78</b>
<b>Plan</b>	<b>: 300 x 60 (18,000)</b>
<b>Monthly Payment of</b>	<b>: 300</b>
<b>Pass term</b>	<b>: 16</b>
<b>Total paid into plan</b>	<b>: 4,200.00</b>
<b>Should have paid in</b>	<b>: 4,800.00</b>
<b>Amount in Arrears</b>	<b>: 600.00 ( 2 ARREARS)</b>
<b>Printed on</b>	<b>: 06/01/2023</b>
<b>Prepared by</b>	<b>: Marisol Matos</b>

*Attachment A*

**PRINT INQUIRY**

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<b>22-01310-MCF</b>	<b>MARIA DE LOS ANGELES NIEVES HERNANDEZ</b>		<b>\$450.00 MO</b>	<b>Bar Date(s):</b>	<b>7/18/2022 (has passed) 11/7/2022 (has passed)</b>
				<b>Confirmed:</b>	<b>7/11/2022</b>
	<b>Trustee: ALEJANDRO OLIVERAS RIVERA</b>	<b>Attorney: FRANCISCO J RAMOS GONZALEZ*</b>		<b>Case Status:</b>	<b>ACTIVE-1ST AUDIT</b>

**Debtor Pay Schedules**

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
6/8/2022	30.00	\$450.00	MONTHLY	MARIA DE LOS ANGELES NIEVES HERNANDEZ	5/11/2022	
12/8/2024	30.00	\$650.00	MONTHLY	MARIA DE LOS ANGELES NIEVES HERNANDEZ	5/11/2022	
6/8/2027	end of plan	\$0.00	MONTHLY	MARIA DE LOS ANGELES NIEVES HERNANDEZ	5/11/2022	

**Forgive Information**

Date	Amount	Description
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**Payments Expected for Step 1:**

Period	Start Date	End Date	Payment Amount Expected	Total
1	6/8/2022	7/7/2022	\$450.00	\$450.00
2	7/8/2022	8/7/2022	\$450.00	\$900.00
3	8/8/2022	9/7/2022	\$450.00	\$1,350.00
4	9/8/2022	10/7/2022	\$450.00	\$1,800.00
5	10/8/2022	11/7/2022	\$450.00	\$2,250.00
6	11/8/2022	12/7/2022	\$450.00	\$2,700.00
7	12/8/2022	1/7/2023	\$450.00	\$3,150.00
8	1/8/2023	2/7/2023	\$450.00	\$3,600.00
9	2/8/2023	3/7/2023	\$450.00	\$4,050.00
10	3/8/2023	4/7/2023	\$450.00	\$4,500.00
11	4/8/2023	5/7/2023	\$450.00	\$4,950.00
12	5/8/2023	6/7/2023	\$450.00	\$5,400.00
13	6/8/2023	7/7/2023	\$450.00	\$5,850.00
14	7/8/2023	8/7/2023	\$450.00	\$6,300.00
15	8/8/2023	9/7/2023	\$450.00	\$6,750.00
16	9/8/2023	10/7/2023	\$450.00	\$7,200.00
17	10/8/2023	11/7/2023	\$450.00	\$7,650.00
18	11/8/2023	12/7/2023	\$450.00	\$8,100.00
19	12/8/2023	1/7/2024	\$450.00	\$8,550.00
20	1/8/2024	2/7/2024	\$450.00	\$9,000.00
21	2/8/2024	3/7/2024	\$450.00	\$9,450.00
22	3/8/2024	4/7/2024	\$450.00	\$9,900.00
23	4/8/2024	5/7/2024	\$450.00	\$10,350.00
24	5/8/2024	6/7/2024	\$450.00	\$10,800.00
25	6/8/2024	7/7/2024	\$450.00	\$11,250.00
26	7/8/2024	8/7/2024	\$450.00	\$11,700.00
27	8/8/2024	9/7/2024	\$450.00	\$12,150.00
28	9/8/2024	10/7/2024	\$450.00	\$12,600.00
29	10/8/2024	11/7/2024	\$450.00	\$13,050.00
30	11/8/2024	12/7/2024	\$450.00	\$13,500.00
<b>Total</b>				<b>\$13,500.00</b>

**Payments Expected for Step 2:**

Period	Start Date	End Date	Payment Amount Expected	Total
1	12/8/2024	1/7/2025	\$650.00	\$650.00
2	1/8/2025	2/7/2025	\$650.00	\$1,300.00
3	2/8/2025	3/7/2025	\$650.00	\$1,950.00
4	3/8/2025	4/7/2025	\$650.00	\$2,600.00
5	4/8/2025	5/7/2025	\$650.00	\$3,250.00
<b>Total</b>				<b>\$3,250.00</b>

**Payments Expected for Step 3:**

Period	Start Date	End Date	Payment Amount Expected	Total
1	6/8/2027	7/7/2027	\$0.00	\$0.00
Total				<b>\$0.00</b>

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	6/2022	\$450.00	\$450.00		\$0.00
2	7/2022	\$450.00	\$450.00		\$0.00
3	8/2022	\$450.00	\$450.00		\$0.00
4	9/2022	\$450.00			\$450.00
5	10/2022	\$450.00	\$450.00		\$450.00
6	11/2022	\$450.00			\$900.00
7	12/2022	\$450.00	\$900.00		\$450.00
8	1/2023	\$450.00	\$450.00		\$450.00
9	2/2023	\$450.00	\$450.00		\$450.00
10	3/2023	\$450.00	\$450.00		\$450.00
11	4/2023	\$450.00	\$450.00		\$450.00
12	5/2023	\$450.00			\$900.00
13	6/2023				\$900.00

**Total Delinquent Amount: \$900.00**



## Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-6383  
 Birth Date: Oct-XX-1982  
 Last Name: NIEVES HERNANDEZ  
 First Name: MARIA  
 Middle Name: DE LOS ANGELES  
 Status As Of: Jun-05-2023  
 Certificate ID: 9Q4Z1W60G2GJBPF

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

*Michael V. Sorrento*

Michael V. Sorrento, Director  
 Department of Defense - Manpower Data Center  
 400 Gigling Rd.  
 Seaside, CA 93955

*Attachment B*



Label Matrix for local noticing  
0104-3  
Case 22-01310-MCF13  
District of Puerto Rico  
Old San Juan  
Thu Jun 1 10:44:14 AST 2023

FIRSTBANK PUERTO RICO, SERVICER FOR GINNIE M  
c/o SARLAW LLC  
Banco Popular Center, Suite 1022  
209 Munoz Rivera Ave.  
San Juan, PR 00918 United States

(p)DE DIEGO LAW OFFICE PSC  
ATTN ORIENTAL BANK-AUTOS  
P O BOX 79552  
CAROLINA PR 00984-9552

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

BANCO POPULAR DE PR  
PO BOX 3229  
SAN JUAN, PR 00936-0000

BANCO POPULAR DE PUERTO RICO  
BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN PR 00936-6818

CAPITAL ONE WALMART  
P.O. BOX 31293  
SALT LAKE CITY, VT 84131-0293

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
PO Box 71083  
Charlotte, NC 28272-1083

FINGERHUT  
P O BOX 70281  
PHILADELPHIA, PA 19176-0281

FIRST BANK  
CONSUMER SERVICE CENTER  
BANKRUPTCY DIVISION (CODE 248)  
PO BOX 9146 SAN JUAN PR 00908-0146

FIRST BANK DE PR  
PO BOX 13817  
SAN JUAN, PR 00908-3800

FIRSTBANK DE PR  
PO Box 9146  
San Juan, PR 00908-0146

FIRSTBANK PUERTO RICO  
SERVICER FOR GINNIE MAE II  
PO BOX 11868  
SAN JUAN PR 00910-3868

ISLAND FINANCE  
P O BOX 71504  
SAN JUAN, PR 00936-8604

(p)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

(p)LUMA ENERGY  
REVENUE PROTECTION  
PO BOX 364267  
SAN JUAN PR 00936-4267

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Midland Credit Management, Inc.  
PO Box 2037  
Warren, MI 48090-2037

ORIENTAL BANK & TRUST  
P O BOX 71578  
SAN JUAN, PR 00936-8678

PAYPAL CREDIT/SYNC B/PPC  
PO BOX 965005  
ORLANDO, FL 32896-5005

Quantum3 Group LLC as agent for  
Sadino Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

SYNC/PAYPAL MASTER CARD  
PO BOX 965005  
ORLANDO, FL 32896-5005

SYNCB / SAM'S CLUB DC  
PO BOX 965005  
ORLANDO, FL 32896-5005

ALEJANDRO OLIVERAS RIVERA  
ALEJANDRO OLIVERAS CHAPTER 13 TRUS  
PO BOX 9024062  
SAN JUAN, PR 00902-4062

FRANCISCO J RAMOS GONZALEZ  
PO BOX 191993  
SAN JUAN, PR 00919-1993

MARIA DE LOS ANGELES NIEVES HERNANDEZ  
CALLE CANELA  
PASEOS DE CEIBA 38  
CEIBA, PR 00735

MONSITA LECAROS ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
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SAN JUAN, PR 00901

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DE DIEGO LAW OFFICES, PSC  
PO BOX 79552  
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CAROLINA, PR 00984-9552

Jefferson Capital Systems LLC  
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Saint Cloud MN 56302-9617

LUMA  
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PO BOX 364267  
SAN JUAN, 00936

(d)LUMA ENERGY  
PO BOX 363508  
SAN JUAN, PR 00936-3508

(d)Oriental Bank-Autos  
PO Box 79552  
Carolina, PR 00984-9552

End of Label Matrix	
Mailable recipients	26
Bypassed recipients	0
Total	26